

CUSTOMER NO.: 24498
Serial No. 10/528,596
Reply to Office Action dated: 01/24/08
Response dated: 5/29/08

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Remarks/Arguments

In the Office Action, the Examiner noted that claims 14-28 are pending in the application and that claims 14-28 stand rejected. By this response, claims 16 and 22 have been cancelled and claims 14, 17, 21, 24, 26 and 28 are amended to correct for formality errors pointed out by the Examiner and to more clearly define the invention of the Applicant and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of the claims now presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. § 112. Thus, the Applicant believes that all of these claims are now in allowable form.

Objections

A. Claims

The Examiner objected to the Applicant's Claim 21 because the wording "comprizing" is a misspelling of the word "comprising".

In response, the Applicant has herein amended claim 21 to recite "comprising" instead of "comprizing". Having done so, the Applicant respectfully requests that the Examiner's objection to the Applicant's Claims be withdrawn.

Rejections

A. 35 U.S.C. § 112

The Examiner rejected claims 26 and 28 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Regarding claims 26 and 28, the Examiner states that the claims identify an apparatus for performing a method without identifying the components of the apparatus.

In response, the Applicant has herein amended claims 26 and 28 to include the apparatus components for performing the method of claims 26 and 28. Having done so, the Applicant respectfully submits that the basis for the Examiner's

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objection to claims 26 and 28 has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claims 26 and 28 be withdrawn.

B. 35 U.S.C. § 102

The Examiner rejected the Applicant's claims 14-28 under 35 U.S.C. § 102(e) as being anticipated by Kim et al. (US Patent No. 7,251,760, hereinafter "Kim"). The rejection is respectfully traversed.

Claim 14

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added). The Applicant respectfully submits that Kim absolutely fails to teach each and every element of the claimed invention arranged as in at least the Applicant's amended claim 14, which specifically recites:

"A method for recording a data stream on a storage medium, wherein the data stream is recorded in data blocks, the method comprising the following steps:

- computing a parity block from one or more of the data blocks;
- writing the parity block on the storage medium during recording;
- keeping a spare data area on the storage medium blank;
- reconstructing a defect data block using the parity block; and
- storing the reconstructed data block in the spare data area."

In the invention of the Applicant, an "error correction block" denotes a generalized form of parity data (i.e. overhead data), that is derived from a set of payload data blocks, and that such data is stored somewhere between the payload data blocks (see "P" in Fig. 1). The invention of the Applicant enables the reconstruction of a single defect block occurring within the set of payload data blocks from which it was calculated.

In the Office Action, the Examiner cites page 4, item 3 of Kim for allegedly teaching "wherein the error correction block is a parity block that covers one or more data blocks" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 14. The Applicant respectfully disagrees.

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In the cited column 1 lines 47-53, Kim teaches the top-level structure of the rewritable physical area of DVD-RAM as consisting of a lead-in area, a data area, and a lead-out area; the data area being divided into groups; guard areas being placed in between groups; and groups being made up of a user area and a spare area.

In the cited column 1 line 60 - column 2 line 4, Kim teaches that the DMA is made up of two ECC blocks, with the first ECC block comprising DDS and PDL, and the second ECC block comprising the SDL.

In the cited Figure 1, Kim shows the mentioned structure graphically. However, the Applicant submits that nowhere in the quoted locations or anywhere in the entire teachings of Kim, does Kim even mention the word or concept of "parity", let alone teach that any error correction block was a parity block. In response to this First Office Action, the Applicant has incorporated the technical features of claim 16 into claim 14 and cancelled claim 16.

In the invention of the Applicant, an "error correction block" denotes a generalized form of parity data (i.e. overhead data), that is derived from a set of payload data blocks and is stored somewhere between the payload data blocks (see "P" in Fig. 1), and allows reconstruction of a single defect block occurring within the set of payload data blocks from which it was calculated.

In contrast to the invention of the Applicant, in Kim, "error correction block" or "ECC block" is used in the same way as in the DVD specification, namely to denote a framing structure of payload data. It denotes the amount of data (comprising payload as well as ECC overhead) that must be compiled together before DVD's block-oriented ECC encoding or decoding can be performed. The teachings of Kim, however, fails to teach, suggest or anticipate an "error correction block" as taught and claimed by the Applicant and does not elaborate anywhere on the nature or details of ECC or ECC framing.

In order to make these different concepts more clear, the Applicant has herein amended the first method step of claim 14 to "computing a parity block from one or more of the data blocks". Such an amendment is supported at least by (page/line) (4/17-22) of the Applicant's Specification.

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Claim 21

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim"

(Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)) (emphasis added). The Applicant respectfully submits that Kim absolutely fails to teach each and every element of the claimed invention arranged as in at least the Applicant's amended claim 21, which specifically recites:

"A method for playing back a recorded data stream from a storage medium, wherein the data stream has been recorded in data blocks, the method comprising the steps of:

- reading payload blocks until a defect block is detected;
- upon detection of the defect block, jumping back to a replacement block and recovering the defect payload block by reading the replacement block;
- skipping the already read blocks; and
- continuing the reading of not yet read payload blocks."

The Applicant has herein combined the technical features of claim 22 into the Applicant's independent claim 21. In the Office Action, the Examiner alleges that in figure 3 and at col. 3, lines 45-56 and in the Abstract, Kim teaches wherein the payload blocks are read until the defect block is detected and wherein after detection of the defect block, it is jumped back to the replacement block of the defect payload block and the replacement block is read as taught in the Applicant's Specification and claimed by at least the Applicant's amended claim 21. The Applicant respectfully disagrees.

In the cited figure 3, Kim teaches address areas including subsequences of defective blocks. However, the Applicant submits that Figure 3 of Kim does not address the operational concept of "jumping back". In addition, the quoted column 3 lines 45-56, Kim teaches a prior art method of SDL creation and management. Namely that, if a sector is determined as bad, the data of the enclosing ECC block are transferred to an ECC block in the spare area. However, the Applicant submits that such teachings of Kim absolutely fail to address the concept of "jumping" nor the temporal order of any reading and jumping steps as taught in the Applicant's Specification and claimed by at least the Applicant's independent claim 21.

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Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's amended, independent claims 14 and 21 are not anticipated by the teachings of the Kim, and as such, fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Likewise, the Applicant's independent claims 26 and 28 are independent claims that recite similar relevant features as the Applicant's claims 14 and 21, respectively. The Applicant respectfully submits that for at least the reasons recited above with respect to independent claims 14 and 21, independent claims 26 and 28 are also not anticipated by the teachings of Kim and, as such, fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Furthermore, dependent claims 15, 17-20, 23-24, 25 and 27 depend either directly or indirectly from the Applicant's independent claims 14 and 21 and recite additional features therefor. As such and for at least the reasons recited above, the Applicant submits that dependent claims 15, 17-20, 23-24, 25 and 27 are also not anticipated by the teachings of the Kim. Therefore the Applicant submits that dependent claims 15, 17-20, 23-24, 25 and 27 also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

C. 35 U.S.C. § 103

The Examiner rejected the Applicant's claims 23 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Kim as applied to claim 21 and further in view of Gotoh et al. (US Publication No. 20010043800, hereinafter "Gotoh"). The rejection is respectfully traversed.

The Examiner applied Kim for the rejection of claims 23 and 24 as applied above for the rejection of the Applicant's claims 21. As stated above, the Applicant submits that the teachings of Kim absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claim 21. As such and for at least the reasons recited above, the Applicant further submits that the teachings of Kim also absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 23 and 24, which depend directly from the Applicant's claim 21.

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The Applicant further submits that the teachings of Gotoh absolutely fail to bridge the substantial gap between the teachings of Kim and the invention of the Applicant.

Gotoh discloses an information recording medium and system controller. In Gotoh the information recording medium includes real-time data in such a manner that the real-time data is continuously reproducible by a playback reference model, the real-time data including at least one of video data and audio data. The playback reference model includes: a pickup for reading the real-time data from the information recording medium; a buffer memory for temporarily storing the real-time data read by the pickup; and a decoder module for reading the real-time data from the buffer memory for processing. The information recording medium includes a volume space for at least recording in sectors a file containing data and file management information for managing the file. The real-time data is recorded in at least two real-time extents each of which is allocated in logically contiguous sectors within the volume space.

The Applicant submits, however, that Gotoh fails to teach, suggest or make obvious at least "upon detection of the defect block, jumping back to a replacement block and recovering the defect payload block by reading the replacement block" as taught in the Applicant's Specification and claimed by at least the Applicant's amended claim 21.

In addition, the Applicant submits that the Examiner concedes that the Gotoh reference alone fails to render the Applicant's claim 21 obvious. That is, the Examiner only applied Gotoh to the Applicant's claims for teaching that during playback of real-time data a buffer is utilized for processing and file management. However, as recited above, Gotoh absolutely fails to teach, suggest or render obvious the Applicant's claim 21 and as such also fails to teach, suggest or render obvious the Applicant's claims 23 and 24, which depend directly from the Applicant's claim 21.

Therefore, and for at least the reasons recited above, the Applicant submits that any allowable combination of Kim and Gotoh fail to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's Independent claim 21, and as such, claims 23 and 24, which depend directly from the Applicant's claim 21 and recite additional, features thereof.

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Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 23 and 24 are not rendered obvious by the teachings of Kim and Gotoh, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

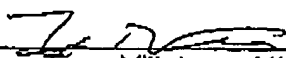
Thus the Applicant submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. § 112. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,
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